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SUBJECT: UNESCO CULTURAL EXPRESSIONS CONVENTION: FRANCE TAKES  
INITIAL STEP TOWARDS RATIFICATION

11. (U) On June 8, in a unanimous vote across all party lines, the French National Assembly approved the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (also known as the cultural diversity convention, which was adopted by vote at UNESCO in October, 2005 over the United States' strong objection). The Convention now moves to the French Senate for action. Following the Senate's virtually inevitable approval, the Convention then goes to President Chirac's desk for promulgation into law. In addressing the Assembly, the rapporteur of the Foreign Affairs Committee stated that "As a sign of the political importance the French Government attaches to this instrument, the Government chose a parliamentary ratification process, although that course was not legally required."

12. (U) Under the Treaty that established the European Community, France's ratification, standing alone, is not enough to bring the Convention into force in France. (The same rule also applies to national ratifications for all other European Union Member States.) Under European Community law, a convention of this nature requires "joint ratification" by both the Community and EU Member States.

13. (U) Hence, while the National Assembly's approval is an important first step toward French national ratification of the Cultural Expressions Convention, it represents only one of several important steps yet to be taken before the Convention enters into force in France or elsewhere in Europe. In keeping with its strong advocacy at UNESCO on behalf of the Convention, France is likely to be one of the first, if not the first, European Union Member State to complete its national ratification procedures. The French National Assembly's approval comes only a week before the European Union Summit (June 15-16) and will enable France during that forum to point to its positive action on the Convention.

14. (U) The Convention provides that at least 30 instruments of ratification must be deposited at UNESCO before the instrument can enter into force. Thus far, Canada and Mauritius are the only two States to have deposited their ratification instruments with UNESCO.

15. (U) On several occasions during the National Assembly debate, speakers alluded to the United States' strong opposition to the Convention, sometimes to highlight the Convention's adoption as a major victory for French over U.S. diplomacy. Others noted that, despite U.S. opposition, the Convention stands as a novel international legal instrument that was needed to restrain globalization, the WTO, and "Anglo-Saxon" free market economics. Two speakers highlighted the urgency of securing the 30 instruments of ratification needed, in order to counter "U.S. pressure on a number of States to prevent them from ratifying the Convention and to instead conclude bilateral conventions on the liberalization of cultural goods and services."

16. (U) The transcript of the debate can be found at  
<http://www.assemblee-nationale.fr/12/rapports /r3088.asp>

17. (U) Comment: Careful monitoring of the piecemeal evolution of national ratification procedures within the community of European States will require continued vigilance so that U.S. Mission UNESCO, as well as the U.S. Trade Representative's Office, can respond effectively when new developments arise regarding the Convention on the Diversity of Cultural Expressions.  
Oliver